

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:15-CV-026-BO

UNITED STATES OF AMERICA, for the
use and benefit of SUNLAND BUILDERS,
INC.,

Plaintiff,

v.

SAUER INCORPORATED; FEDERAL
INSURANCE COMPANY; & MOUNTAIN
CHIEF MANAGEMENT SERVICES, INC.

Defendant.

ORDER

This matter is before the Court on the parties' joint motion to reconsider its earlier order directing the parties to file dismissal paperwork. For the following reasons, the motion is granted.

BACKGROUND

Sunland filed its Miller Act complaint on February 12, 2015, alleging that it performed additional work on construction a project at Camp Lejeune (the Project) at the direction of Sauer and seeking to recover amounts to which it allege it is entitled. On May 26, 2015, the Court stayed the case following the parties' joint consent motion to stay and ordered the parties to provide the Court with status reports every 90 days beginning on October 1, 2015. Around November 2, 2015, Sunland, Sauer, and Federal Insurance Company reached an agreement to stay, cooperate, and jointly prosecute that contemplates Sunland and Sauer jointly pursuing claims against the Project's owner. On November 4, 2015, the Court ordered the parties to file dismissal papers within 45 days, subject to the right of any party to provide notice to the Court within that time that settlement will not be reached.

DISCUSSION


The parties now inform the Court that their November 2, 2015, agreement does not settled this matter and request that this matter continue to be stayed pending resolution of the claims against the Project's owner. In support of their motion, the parties state that if they are required to litigate the claims at issue in this case while simultaneously pursuing their claims against the Project's owner, both claims will be prejudiced.

In the interest of judicial economy, the Court finds that good cause exists for the relief requested. Accordingly, the motion to reconsider is granted. The matter will continue to be stayed pending resolution of the claims against the Project owner without any imminent requirement that the parties file dismissal paperwork. The parties will continue to provide status reports to the Court every 90 days, beginning February 1, 2015.

CONCLUSION

For the foregoing reasons, the parties' motion to reconsider [DE 28] is GRANTED. This matter continues to be STAYED until resolution of Sunland and Sauer's claims against the Project owner, subject to the requirement that the parties file status reports with the Court beginning February 1, 2015, and continuing every 90 days thereafter until the claims against the Project owner are resolved.

SO ORDERED, this 8 day of January, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE